

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
W/S 1410 Ave., AND 11. NE from
21 Eberstone Road
2 1/2 Acre Tract
15th Election District
5th Councilmanic District
Clinton Routh, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure in the side yard in lieu of the required rear yard, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property lies within close proximity to Bird River and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management must submit recommendations which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

As of the date hereof, these recommendations have not been submitted and the Department of Environmental Protection and Resource Management has requested an extension to complete their study. This extension has been approved and the granting of the variance herein shall be conditioned upon the receipt of, and compliance with, those recommendations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December, 1992 that the Petition for a Zoning Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure in the side yard in lieu of the

required rear yard, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commission
Official Planning and Zoning

State III Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4380

December 21, 1992

Mrs. and Mrs. Clinton Routh
6426 Elbank Drive
Elkridge, Maryland 21221

RE: Petition for Administrative Zoning Variance
Case No. 93-160-A
2 1/2 Acre Tract

Dear Mr. and Mrs. Routh:

Enclosed please find the decision rendered in the above captioned case. The petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 893-3191.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2446 AVE 21220
which is presently zoned D.R.S.S

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (B.C.Z.R.) TO
PERMIT AN ACCESSORY STRUCTURE (POOL HOUSE) IN THE SIDE
YARD IN LIEU OF THE REQUIRED REAR.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zip Code

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of December, 1992, that the subject matter of this petition be set for a public hearing, set forth as required by the Zoning Regulations of Baltimore County, in two thousandths of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY JCM DATE 11-16-92
ESTIMATED POSTING DATE 12-6-92

ITEM #: 174

Affidavit in support of
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6426 ELBANK DR
ELK RIDGE MD 21227
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

THIS WOULD CREATE A HANDSHP DUE TO
THE FACT WE WOULD NOT HAVE ANY
PLACE TO STORE OUR MOTOR HOME & BOAT
ALONG WITH SEVERAL PERSONAL THINGS
THERE IS NO BACK YARD BECAUSE OF BANK
ON GRACES LANE.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Clinton Routh
Erika Routh
Clinton Routh
Erika Routh
Signature
(Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of November, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Clinton & Erika Routh
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11-9-92

My Commission Expires: 9-1-93

Zoning Description for 2446 AVE 21220
Beginning at point on the WEST side of CYCLE AVE
which is 20' wide at the distance of 450' N.E
of the centerline of the nearest improved intersecting street and
which is 40' wide. *Being lot
#(), Block (), Section # () in the subdivision of 11A
as recorded in Baltimore County Plat Blot Book # , Folio #
containing 532 AC Also known as
2446 AVE and located in the (15) Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 11/15/92
Posted for: 11/15/92
Petitioner: Clinton Routh, Erika Routh
Location of property: 2446 Elbank Drive, Elkridge, MD 21221
Location of Signs: Front and 4 Major Corners of Property
Remarks: [Signature]
Posted by: [Signature] Date of return: 11/17/92
Number of Signs: 1

PUBLIC HEARING FEES
CITY OF BALTIMORE
150.00
POSTING FEES / ADVERTISING 1 X 135.00
TOTAL 285.00
Please Make Checks Payable To: Baltimore County
040400083MCHRC
BP-CO1010AM11-16-92
185.00

93-160-A 174

Baltimore County Government
Office of Zoning Administration
and Development Management

11 West Chesapeake Avenue
Towson, MD 21204

December 2, 1992 (410) 887-3353

Mr. and Mrs. Clinton Routh
6436 Elsbark Drive
Stearlee, MD 21157

RE: Case No. 92-160-A, Item No. 174
Petitioner: Clinton Routh, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Routh:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management

11 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of November 1992.

ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards
Chairman,
Zoning Plans Advisory Committee

Petitioner: Clinton Routh, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *Devin A. Kennedy* Date: 11/30/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Gregg and Joyce Kroeger	164		11-23-92 NC
DED DEPRM RP STP TE			
Baltimore Bar-B Que Management Inc.	165		Comment
DED DEPRM RP STP TE			
Roscoe Phipps	166		NC
DED DEPRM RP STP TE			
American Legion Dept. of MD	167		Comment
DED DEPRM RP STP TE			
Cecelia Escalante	168		NC
DED DEPRM RP STP TE			
Michael J. and Peggy L. Navarre	172		NC
DED DEPRM RP STP TE			
Pulte Home Corporation	173		NC
DED DEPRM RP STP TE			
Clinton and Erika Routh	174		NC
DED DEPRM RP STP TE			
Goldenwood Associates	175		NC
DED DEPRM RP STP TE			
Salvo Road Limited Partnership	177		Comment
DED DEPRM RP STP TE			
Ronald R. and Janet Lee Gaspari	178		NC
DED DEPRM RP STP TE			
COUNT 11			
Richard M. Diotte	155		11-9-92
DED DEPRM RP			

Maryland Department of Transportation
State Highway Administration

O. James Lightmyer
Secretary
Major Projects
Baltimore

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: # 174 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
David Ramsey
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Telephewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 24, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 23, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Gregg and Joyce Kroeger, Item No. 164
Michael and Peggy Navarre, Item No. 172
Clinton and Erika Routh, Item No. 174
Ronald and Janet Gaspari, Item No. 178

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Ervin McDaniel*

EMcD/FM:rdn

Rec'd 11/30/92
164.ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *W. Carl Richards* Date: 11/30/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Gregg and Joyce Kroeger	164	NC	11-23-92
DED DEPRM RP STP TE			
Baltimore Bar-B Que Management Inc.	165	W/C	
DED DEPRM RP STP TE			
Roscoe Phipps	166	W/C	
DED DEPRM RP STP TE			
American Legion Dept. of MD	167	NC	
DED DEPRM RP STP TE			
Cecelia Escalante	168	NC	
DED DEPRM RP STP TE			
Michael J. and Peggy L. Navarre	172	NC	
DED DEPRM RP STP TE			
Pulte Home Corporation	173	NC	
DED DEPRM RP STP TE			
Clinton and Erika Routh	174	NC	
DED DEPRM RP STP TE			
Goldenwood Associates	175	NC	
DED DEPRM RP STP TE			
Salvo Road Limited Partnership	177	NC	
DED DEPRM RP STP TE			
Ronald R. and Janet Lee Gaspari	178	NC	
DED DEPRM RP STP TE			
COUNT 11			
Stonegate at Patapsco (Azeal Property)			
90476			6-1-92
ZON DED			TE (Waiting for developer to submit plans first)

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

NOVEMBER 27, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: CLINTON ROUTH AND ERIKA ROUTH
Location: #2 LYLE AVENUE
Item No.: #174(JCM) Zoning Agenda: NOVEMBER 23, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *W. Carl Richards* Noted and Approved: *W. Carl Richards*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 1, 1992

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #174
7 Lyle Avenue
Zoning Advisory Committee Meeting of November 23, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

Additional information is needed from the applicant before the Department can complete the review of this zoning item. The applicant may contact the Environmental Impact Review Division of this Department at 887-3980 for details.

LP:sp

LYLEAVE/TXTSBP

89-59-57 W 20925

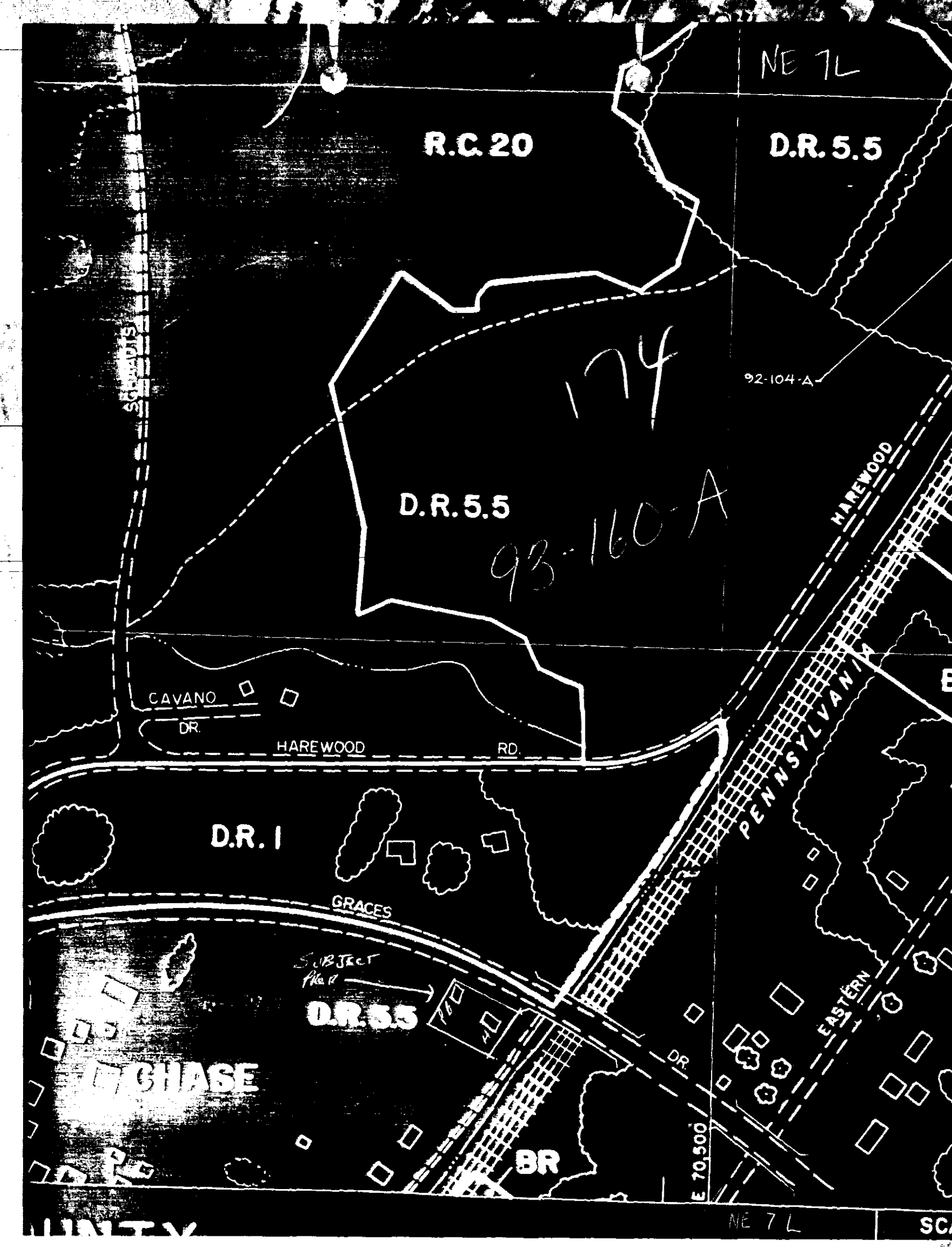
REPUBLIC OF THE UNITED STATES OF AMERICA
DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

3230

WILLIAM S. URBEL

PIPE

93-160-1
174



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	HAREWOOD PARK	NE
DATE OF PHOTOGRAPHY JANUARY 1986	CHASE	7-L